

1 **WEAPONS RESTRICTIONS AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill changes and clarifies the prohibitions for carrying a dangerous weapon by an
8 intoxicated individual.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ eliminates the current exemption that allows a peace officer to carry a dangerous
- 12 weapon while intoxicated;
- 13 ▶ clarifies that carrying a dangerous weapon that is securely encased or not readily
- 14 available is not prohibited;
- 15 ▶ modifies the law to respect an individual's constitutional right to self defense; and
- 16 ▶ provides an exception for an individual who carries a dangerous weapon on private
- 17 property with the consent of the owner.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **76-10-523**, as last amended by Laws of Utah 2014, Chapter 248

25 **76-10-528**, as last amended by Laws of Utah 2008, Chapter 226

26

27 *Be it enacted by the Legislature of the state of Utah:*

28 Section 1. Section **76-10-523** is amended to read:

29 **76-10-523. Persons exempt from weapons laws.**

30 (1) Except for Sections 76-10-506, 76-10-508, [and] 76-10-508.1, and 76-10-528, this
31 part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the
32 following:

- 33 (a) a United States marshal;
- 34 (b) a federal official required to carry a firearm;
- 35 (c) a peace officer of this or any other jurisdiction;
- 36 (d) a law enforcement official as defined and qualified under Section 53-5-711;
- 37 (e) a judge as defined and qualified under Section 53-5-711; or
- 38 (f) a common carrier while engaged in the regular and ordinary transport of firearms as
- 39 merchandise.

40 (2) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not

41 apply to any person to whom a permit to carry a concealed firearm has been issued:

- 42 (a) pursuant to Section 53-5-704; or
- 43 (b) by another state or county.

44 (3) Except for Sections 76-10-503, 76-10-506, 76-10-508, and 76-10-508.1, this part

45 and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident traveling

46 in or through the state, provided that any firearm is:

- 47 (a) unloaded; and
- 48 (b) securely encased as defined in Section 76-10-501.

49 Section 2. Section **76-10-528** is amended to read:

50 **76-10-528. Carrying a dangerous weapon while under influence of alcohol or**

51 **drugs unlawful.**

52 (1) ~~[Any person who carries]~~ It is a class B misdemeanor for any person to carry a

53 dangerous weapon while under the influence of:

54 (a) alcohol as determined by the person's blood or breath alcohol concentration in

55 accordance with Subsections 41-6a-502(1)(a) through (c); or

56 (b) a controlled substance as defined in Section 58-37-2 ~~[is guilty of a class B~~

57 ~~misdemeanor. Under the influence means the same level of influence or blood or breath~~

58 ~~alcohol concentration as provided in Subsections 41-6a-502(1)(a) through(c)].~~

59 (2) This section does not apply to:

60 (a) a person carrying a dangerous weapon that is either securely encased or not readily

61 accessible for immediate use, as defined in this part;

62 (b) any person who uses or threatens to use force in compliance with Section 76-2-402;

63 or

64 (c) any person carrying a dangerous weapon in or on the person's residence or property,
65 a business under the person's control, or the residence of another with the consent of the
66 individual who is lawfully in possession.

67 [~~2~~] (3) It is not a defense to prosecution under this section that the person:

68 (a) is licensed in the pursuit of wildlife of any kind; or

69 (b) has a valid permit to carry a concealed firearm.